



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

BJG

Docket No: 4322-00

18 October 2000

SN [REDACTED] USN
[REDACTED]
[REDACTED]

Dear Sean [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552. You requested that "Section VI-Remarks" of the Department of Defense (DD) Form 1966/3, as it relates to item 26, be changed from "I casually used marijuana from 1/92 to 5/98 No further use!" to "Marijuana tried X2 [two times]."

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 October 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 9 August 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion.

The Board noted that the DD Form 1966/3 of record has no remarks about item 26, although such remarks were required to explain your "yes" reply. They found that this was not a material error, as the Standard Form (SF) 86, item 24, clarified that you used marijuana "8-9" times from January 1992 to April 1998. They agreed with you that the entry on the NAVCRUIT 1133/65 appears to contradict the SF 86, in that it shows you did not experimentally/casually use marijuana as recently as April 1998. However, they were unable to find which, if either, entry was correct, nor could they accept your current statement that you tried marijuana twice in high school.

In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

4322-00

5420
PERS-832C
9 Aug 00

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION
OF NAVAL RECORDS (BCNR)

Via: PERS/BCNR Coordinator (PERS-00ZCB)

Subj: [REDACTED] USN, [REDACTED]

Encl: (1) BCNR File 04322-00
(2) Petitioner's Microfiche Record

1. The petition and naval records of subject petitioner have been reviewed relative to her request for removal of derogatory material.
2. The review reveals that petitioner signed the DD 1966 and SF 86 forms during the enlistment process of her own free will. Those forms are intended to capture certain information at that time and are not subject to subsequent modification or correction. Therefore, favorable action on this petition is not recommended.

[REDACTED]
Technical Advisor to the
Head, Enlisted Performance
Branch (PERS-832)